

EXHIBIT B

EXHIBIT B

As stated in Defendant Marmaxx Operating Corp.'s Notice of Removal, Defendant attaches certified copies of the following documents:

1. Plaintiff's Original Petition, filed May 11, 2021;
2. Request for Issuance of Service to TJX Companies, Inc. d/b/a Marshalls, filed May 11, 2021;
3. Plaintiff's First Amended Petition, filed November 4, 2021;
4. Request for Issuance of Service to TJX Companies, Inc. d/b/a Marshalls by serving through the Texas Secretary of State, filed November 4, 2021;
5. Affidavit of Service – Certified Mail on TJX Companies Inc. (d/b/a Marshalls) – Texas Secretary of State, filed November 8, 2021;
6. Request for Issuance of Service on TJX Companies, Inc. d/b/a Marshalls by serving through the Texas Secretary of State, filed November 19, 2021;
7. Affidavit of Service – Certified Mail on TJX Companies, Inc. (d/b/a Marshalls) – Texas Secretary of State, filed December 14, 2021; and
8. Original Answer of Defendant Marmaxx Operating Corp. incorrectly named as The TJX Companies, Inc., filed January 3, 2022.

CAUSE NO. _____

BERTHA F. OROSCO

Plaintiff,

v.

THE TJX COMPANIES, INC. d/b/a
MARSHALLS*Defendant.*§
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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

____th JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION & REQUEST FOR DISCLOSURE

Plaintiff Bertha F. Orosco (hereinafter referred to as "Plaintiff") complains of Defendant TJX Companies, Inc., d/b/a Marshalls (hereinafter referred to as "Defendant") and would respectfully show the Court the following:

I.**Discovery Control Plan**

1. Plaintiff intends that discovery be conducted under Level 2. Plaintiff has been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, and affirmatively pleads that she seeks monetary relief over \$250,000.00, but no more than \$1,000,000.00, at this time. Plaintiff reserves the right to amend this damage calculation as discovery progresses. Plaintiff makes this damage calculation at this time pursuant to Texas Rule of Civil Procedure 47.

II.**Parties and Service**

2. Plaintiff Bertha F. Orosco is a resident citizen of Texas.

3. TJX Companies, Inc. d/b/a Marshalls is a business entity conducting business throughout the state of Texas. It may be served by and through their registered agent at 400 North St. Paul Street, Dallas, Texas 75201.

4. To the extent that Defendant is conducting business relevant to the allegations made the basis of this suit under a trade name, assumed name, unincorporated association or entity, private corporation, partnership, or other business name, notice is hereby given that this suit is further brought against such entities as allowable by law and that appearance and answer be made under such name pursuant to TEX. R. CIV. P. 28.

5. In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification," "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiff contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice. Plaintiff reserves the right to amend the true names of the parties pursuant to the Texas Rules of Civil Procedure.

III.

Jurisdiction and Venue

6. The subject matter in controversy is within the jurisdictional limits of this court.

7. This Court has jurisdiction and venue is proper under Section 15.002 of the Texas Civil Practice and Remedies Code because all or a majority of the events, acts, or omissions which form the basis of this cause of action occurred in Harris County, Texas. Plaintiff seeks damages in excess of \$250,000.00 but no more than \$1,000,000.00.

IV.

Facts

8. This lawsuit is necessary as a result of personal injuries Plaintiff suffered on or about June 11, 2020. On that day Plaintiff was shopping for furniture at Marshalls (hereinafter referred to as "Defendant's premises") located on 4440 North Freeway, Houston, Texas 77022. A sales associate was assisting her in her selection and pointed to a specific chair that was on display,

telling Ms. Orosco to try it out. When Ms. Orosco sat down, two of the legs fell off the display chair and she fell over. As a direct result of Defendant's negligence, Plaintiff has suffered severe personal injuries for which she now brings this action.

9. At all relevant times Defendant had actual and/or constructive knowledge of an unreasonably dangerous condition on its property yet did nothing to remedy or otherwise warn Plaintiff of the dangerous condition. The dangerous condition and Defendant's negligence caused Plaintiff's injuries and damages.

V.
Negligence of Defendant TJX Companies, Inc.

10. The conduct of Defendant, and that of Defendant's officers, agents, servants, employees, vice-principals, and/or representatives, constituted negligence as that term is understood in law and such conduct was the proximate cause of the occurrence made the basis of this lawsuit.

11. At the time and on the occasion in question, Defendant owed duties to Plaintiff, including but not limited to the following, and, by various acts and omissions, breached these duties, each of which singularly or in combination, was a proximate cause of the occurrence in question:

- In failing to maintain Defendant's premises in a reasonably safe manner;
- In failing to warn Plaintiff of the unreasonably dangerous condition at Defendant's premises;
- In failing to properly train its employees on how to eliminate and warn against unreasonable dangerous conditions on Defendant's premises;
- In failing to properly supervise its employees in their maintenance of common areas on Defendant's premises;
- In creating or causing the dangerous condition;

- In failing to inspect the area in a proper and timely manner; and
- Other acts and/or omissions so deemed negligent.

12. Plaintiff would show that such negligence proximately caused damages to Plaintiff as more fully described below.

13. At the time of the incident in question, Defendant controlled the exact premises in question where the incident took place. Defendant owed and assumed a duty to provide reasonably safe premises to its invitees, such as Plaintiff. The condition of the common area posed an unreasonable risk of harm. Specifically, Defendant breached its duty of ordinary care by failing to adequately warn Plaintiff and by failing to make the unreasonably dangerous condition reasonably safe. Defendant's failure to exercise reasonable care proximately caused the incident in question and resulting damages to Plaintiff.

VI.

Respondeat Superior

14. Plaintiff states that at the time of the occurrence made the basis of this suit, the individuals responsible for the upkeep of Defendant's premises were acting in their capacity as agents, servants, vice-principals, representatives and/or employees of Defendant and were acting within the course and scope of their authority as such. Therefore, the doctrine of *Respondeat Superior* should be applied to Defendant and Defendant should be vicariously responsible for the acts and omissions of its agents, employees, servants, and/or vice-principals.

VII.

Damages

15. As a result of these occurrences, Plaintiff sustained injuries to her body which resulted in physical pain, mental anguish, and other medical problems. Plaintiff will show that she

has sustained severe pain, physical impairment, discomfort, mental anguish, disfigurement, and distress, and that in all reasonable probability, such physical pain, physical impairment, discomfort, mental anguish, disfigurement, and distress will continue indefinitely. Plaintiff suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiff has incurred and will continue to incur pharmaceutical and medical expenses in connection with her injuries.

VIII.
Request for Disclosure

16. Pursuant to Texas Rule of Civil Procedure 194, each Defendant is required to disclose, within thirty (30) days after the filing of the first answer, the information or material described in Rule 194.2(b)1-12. Any Defendant that is first served or otherwise joined after the filing of the first answer must make their initial disclosures within thirty (30) days after being served or joined.

IX.
Jury Demand

17. Plaintiff hereby demands a trial by jury.

X.
Prayer

Plaintiff prays that this citation be issued and served upon Defendant in a form and manner prescribed by law, requiring that Defendant appear and answer, and that upon final hearing, Plaintiff have judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, in excess of \$250,000.00, plus pre-judgment and post-judgment interests, all

costs of Court, actual and consequential damages allowed by law, exemplary damages, and all such other and further relief, to which she may show herself justly entitled.

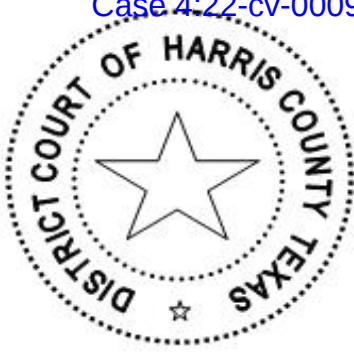
Respectfully submitted,

TILTON & TILTON LLP

/s/: Bradley W. Tilton II

Bradley W. Tilton II
Texas State Bar No. 24035538
E-Mail: BTilton@tiltonlawfirm.com
River Oaks Tower
3730 Kirby Drive, Suite 1020
Houston, Texas 77098
Telephone: (713) 774-8600
Facsimile: (713) 222-2124

ATTORNEY FOR PLAINTIFF



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this January 10, 2022

Certified Document Number: 95779858 Total Pages: 6

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

5/11/2021 2:50:36 PM
Marilyn Burgess - District Clerk
Harris County
Envelope No: 53330173
By: HALL, JOSHUA E
Filed: 5/11/2021 2:50:36 PM

Request for Issuance of Service

CASE NUMBER: _____ CURRENT COURT: _____

Name(s) of Documents to be served: Plaintiff's Original Petition & Request for Disclosure

FILE DATE: 05/11/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: TJX Companies, Inc. d/b/a Marshalls

Address of Service: 400 North St. Paul Street

City, State & Zip: Dallas, Texas 75201

Agent (if applicable) _____

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> Citation | <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias Newspaper _____ | | | |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept | <input type="checkbox"/> Notice | |
| <input type="checkbox"/> Protective Order | | | |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not by E-Issuance) | <input type="checkbox"/> Attachment (not by E-Issuance) | |
| <input type="checkbox"/> Certiorari | <input type="checkbox"/> Highway Commission (\$12.00) | | |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00) | <input type="checkbox"/> Hague Convention (\$16.00) | <input type="checkbox"/> Garnishment | |
| <input type="checkbox"/> Habeas Corpus (not by E-Issuance) | <input type="checkbox"/> Injunction | <input type="checkbox"/> Sequestration | |
| <input type="checkbox"/> Subpoena | | | |
| <input type="checkbox"/> Other (Please Describe) _____ | | | |

(See additional Forms for Post Judgment Service)

- SERVICE BY (check one):**
- | | |
|---|--|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____ | <input checked="" type="checkbox"/> E-Issuance by District Clerk
(No Service Copy Fees Charged) |
| <input type="checkbox"/> MAIL to attorney at: _____ | <i>Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.
Visit www.hcdistrictclerk.com for more instructions.</i> |
| <input type="checkbox"/> CONSTABLE | |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk | |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____ | |
| <input checked="" type="checkbox"/> OTHER, explain <u>PLEASE EMAIL CITATION TO JMANRIQUEZ@TILTONLAWFIRM.COM</u> | |

Issuance of Service Requested By: Attorney/Party Name: Bradley W. Tilton, II Bar # or ID 24035538

Mailing Address: 3730 Kirby Dr., Ste. 1020, Houston, Texas 77098

Phone Number: 713-774-8600



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this January 10, 2022

Certified Document Number: 95779859 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CAUSE NO. 2021-28199

BERTHA F. OROSCO

Plaintiff,

v.

THE TJX COMPANIES, INC. d/b/a
MARSHALLS*Defendant.*§
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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

165th JUDICIAL DISTRICT**PLAINTIFF'S FIRST AMENDED PETITION**

Plaintiff Bertha F. Orosco (hereinafter referred to as "Plaintiff") complains of Defendant TJX Companies, Inc., d/b/a Marshalls (hereinafter referred to as "Defendant") and would respectfully show the Court the following:

I.**Discovery Control Plan**

1. Plaintiff intends that discovery be conducted under Level 2. Plaintiff has been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, and affirmatively pleads that she seeks monetary relief over \$250,000.00, but no more than \$1,000,000.00, at this time. Plaintiff reserves the right to amend this damage calculation as discovery progresses. Plaintiff makes this damage calculation at this time pursuant to Texas Rule of Civil Procedure 47.

II.**Parties and Service**

2. Plaintiff Bertha F. Orosco is a resident citizen of Texas.

3. Defendant The TJX Companies, Inc. d/b/a Marshalls, is a Delaware corporation which does not maintain a registered agent in Texas. Pursuant to Section 5.251(1)(A) of the Texas Business Code, this Defendant may be served with process through the Secretary of State Service

by delivering to the Secretary of State duplicate copies of the process and paying the required fee. The TJX Companies, Inc. d/b/a Marshalls's corporate address is: 770 Cochituate Road, Framingham, Massachusetts, 01701. Service on this Defendant is hereby requested at this time.

4. To the extent that Defendant is conducting business relevant to the allegations made the basis of this suit under a trade name, assumed name, unincorporated association or entity, private corporation, partnership, or other business name, notice is hereby given that this suit is further brought against such entities as allowable by law and that appearance and answer be made under such name pursuant to TEX. R. CIV. P. 28.

5. In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification," "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiff contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice. Plaintiff reserves the right to amend the true names of the parties pursuant to the Texas Rules of Civil Procedure.

III. **Jurisdiction and Venue**

6. The subject matter in controversy is within the jurisdictional limits of this court.

7. This Court has jurisdiction and venue is proper under Section 15.002 of the Texas Civil Practice and Remedies Code because all or a majority of the events, acts, or omissions which form the basis of this cause of action occurred in Harris County, Texas. Plaintiff seeks damages in excess of \$250,000.00 but no more than \$1,000,000.00.

IV. **Facts**

8. This lawsuit is necessary as a result of personal injuries Plaintiff suffered on or about June 11, 2020. On that day Plaintiff was shopping for furniture at Marshalls (hereinafter

referred to as “Defendant’s premises”) located on 4440 North Freeway, Houston, Texas 77022. A sales associate was assisting her in her selection and pointed to a specific chair that was on display, telling Ms. Orosco to try it out. When Ms. Orosco sat down, two of the legs fell off the display chair and she fell over. As a direct result of Defendant’s negligence, Plaintiff has suffered severe personal injuries for which she now brings this action.

9. At all relevant times Defendant had actual and/or constructive knowledge of an unreasonably dangerous condition on its property yet did nothing to remedy or otherwise warn Plaintiff of the dangerous condition. The dangerous condition and Defendant’s negligence caused Plaintiff’s injuries and damages.

V.

Negligence of Defendant TJX Companies, Inc.

10. The conduct of Defendant, and that of Defendant’s officers, agents, servants, employees, vice-principals, and/or representatives, constituted negligence as that term is understood in law and such conduct was the proximate cause of the occurrence made the basis of this lawsuit.

11. At the time and on the occasion in question, Defendant owed duties to Plaintiff, including but not limited to the following, and, by various acts and omissions, breached these duties, each of which singularly or in combination, was a proximate cause of the occurrence in question:

- In failing to maintain Defendant’s premises in a reasonably safe manner;
- In failing to warn Plaintiff of the unreasonably dangerous condition at Defendant’s premises;
- In failing to properly train its employees on how to eliminate and warn against unreasonable dangerous conditions on Defendant’s premises;

- In failing to properly supervise its employees in their maintenance of common areas on Defendant's premises;
- In creating or causing the dangerous condition;
- In failing to inspect the area in a proper and timely manner; and
- Other acts and/or omissions so deemed negligent.

12. Plaintiff would show that such negligence proximately caused damages to Plaintiff as more fully described below.

13. At the time of the incident in question, Defendant controlled the exact premises in question where the incident took place. Defendant owed and assumed a duty to provide reasonably safe premises to its invitees, such as Plaintiff. The condition of the common area posed an unreasonable risk of harm. Specifically, Defendant breached its duty of ordinary care by failing to adequately warn Plaintiff and by failing to make the unreasonably dangerous condition reasonably safe. Defendant's failure to exercise reasonable care proximately caused the incident in question and resulting damages to Plaintiff.

VI.

Respondeat Superior

14. Plaintiff states that at the time of the occurrence made the basis of this suit, the individuals responsible for the upkeep of Defendant's premises were acting in their capacity as agents, servants, vice-principals, representatives and/or employees of Defendant and were acting within the course and scope of their authority as such. Therefore, the doctrine of *Respondeat Superior* should be applied to Defendant and Defendant should be vicariously responsible for the acts and omissions of its agents, employees, servants, and/or vice-principals. \

VII.

Damages

15. As a result of these occurrences, Plaintiff sustained injuries to her body which resulted in physical pain, mental anguish, and other medical problems. Plaintiff will show that she has sustained severe pain, physical impairment, discomfort, mental anguish, disfigurement, and distress, and that in all reasonable probability, such physical pain, physical impairment, discomfort, mental anguish, disfigurement, and distress will continue indefinitely. Plaintiff suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiff has incurred and will continue to incur pharmaceutical and medical expenses in connection with her injuries.

VIII.

Required Disclosures

16. Pursuant to Rule 194(a) of the Texas Rules of Civil Procedure, Defendant must disclose, within **thirty (30) days** of filing an answer, the information or materials described in Rule 194.2(b)1-12. Any Defendant that is served or otherwise joined after the filing of the first answer must make their initial disclosures within thirty (30) days after being served or joined.

IX.

Jury Demand

17. Plaintiff hereby demands a trial by jury.

X.

Prayer

Plaintiff prays that this citation be issued and served upon Defendant in a form and manner prescribed by law, requiring that Defendant appear and answer, and that upon final hearing, Plaintiff have judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, in excess of \$250,000.00, plus pre-judgment and post-judgment interests, all

costs of Court, actual and consequential damages allowed by law, exemplary damages, and all such other and further relief, to which she may show herself justly entitled.

Respectfully submitted,

TILTON & TILTON LLP

/s/ Jessica Razo

Jessica Razo
Texas State Bar No. 24115722
E-Mail: JRazo@tiltonlawfirm.com
Bradley W. Tilton II.
State Bar No. 24035538
E-Mail: BTilton@tiltonlawfirm.com
River Oaks Tower
3730 Kirby Drive, Suite 1020
Houston, Texas 77098
Telephone: (713) 774-8600
Facsimile: (713) 222-2124

ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 58842751

Status as of 11/4/2021 10:11 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Bradley W. Tilton		btilton@tiltonlawfirm.com	11/4/2021 8:55:59 AM	SENT
Jackie Manriquez		jmanriquez@tiltonlawfirm.com	11/4/2021 8:55:59 AM	SENT
Jessica Razo		jrazo@tiltonlawfirm.com	11/4/2021 8:55:59 AM	SENT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this January 10, 2022

Certified Document Number: 98781929 Total Pages: 7

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

**Marilyn Burgess**

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

11/4/2021 8:55:59 AM
 Marilyn Burgess - District Clerk
 Harris County
 Envelope No: 58842751
 By: THOMAS, LISA E
 Filed: 11/4/2021 8:55:59 AM

Request for Issuance of Service

CASE NUMBER: 2021-28199

CURRENT COURT: 165th Harris County

Name(s) of Documents to be served: PLAINTIFF'S FIRST AMENDED PETITION

FILE DATE: 11/04/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: TJX Companies, Inc. d/b/a Marshalls by serving through the Texas Secretary of State

Address of Service: P.O Box 12079, Austin Tx 78711

City, State & Zip:

Agent (if applicable)

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☐ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
☐ Citation Scire Facias Newspaper _____
☐ Temporary Restraining Order ☐ Precept ☐ Notice
☐ Protective Order
☒ Secretary of State Citation (\$12.00) ☐ Capias (not by E-Issuance) ☐ Attachment (not by E-Issuance)
☐ Certiorari ☐ Highway Commission (\$12.00)
☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
☐ Subpoena
☐ Other (Please Describe) _____

(See additional Forms for Post Judgment Service)

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP (phone) _____
☐ MAIL to attorney at: _____
☐ CONSTABLE
☐ CERTIFIED MAIL by District Clerk
☒ E-Issuance by District Clerk
 (No Service Copy Fees Charged)
Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents. Visit www.hcdistrictclerk.com for more instructions.
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ OTHER, explain _____

Issuance of Service Requested By: Attorney/Party Name: Jessica Razo Bar # or ID 24115722

Mailing Address: 3730 Kirby Dr., Ste. 1020, Houston, Texas 77098

Phone Number: 713-774-8600



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this January 10, 2022

Certified Document Number: 98781930 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CAUSE NO. 202128199

COPY OF PLEADING PROVIDED BY PLT

RECEIPT No: 911954
TRACKING #: 73935478
EML

Plaintiff: OROSCO, BERTHA F

In The 165th
Judicial District Court of
Harris County, Texas

vs.

Defendant: TJX COMPANIES INC (DBA MARSHALLS)

Houston, Texas

CITATION - NON RESIDENT

THE STATE OF TEXAS
County of HarrisTo: TJX COMPANIES INC (D/B/A MARSHALLS) SERVING THROUGH THE TEXAS SECRETARY
OF STATE
P O BOX 12079 AUSTIN TX 78701
FORWARD TO:770 COCHITUATE ROAD
FRAMINGHAM MA

Attached is a copy of: PLAINTIFFS FIRST AMENDED PETITION

This instrument was filed on 11/4/2021 12:00:00 AM, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

This citation was issued on November 4, 2021, under my hand and seal of said court.

Issued at the request of:Razo, Jessica
3730 Kirby Dr. 1020
Houston, TX 77098
832-280-9106*Marilyn Burgess*Marilyn Burgess, District Clerk
Harris County, Texas
201 Caroline, Houston Texas 77002
(PO Box 4651, Houston, Texas 77210)

Generated By: LISA THOMAS

Bar Number: 24115722

EML

Tracking Number: 73935478

CAUSE NUMBER: 202128199

PLAINTIFF: OROSCO, BERTHA F

vs.

DEFENDANT: TJX COMPANIES INC (DBA MARSHALLS)

In the 165th

Judicial District Court of

Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock ____ M. On the _____ day of _____, 20____.
Executed at _____

(Address) _____
_____ in _____ County at o'clock ____ M. On the _____ day of
_____, 20____, by _____

Delivering to _____ defendant, in person, a true copy of this
Citation together with the accompanying _____ copy (ies) of the _____. Petition
attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____,
20____.

Fees \$ _____

Affiant

By _____
Deputy

On this day, _____, known to me to be the person whose
signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that
this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this _____ day of _____,
20____.

**AFFIDAVIT
ATTACHED**

Notary Public

CAUSE NO. 2021-28199

BERTHA F. OROSCO

Plaintiff,

VS.

THE TJX COMPANIES, INC D/B/A MARSHALLS

Defendant.

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IN THE COURT OF

HARRIS COUNTY, TEXAS

JUDICIAL DISTRICT COURT 165TH

AFFIDAVIT OF SERVICE - CERTIFIED MAIL

On this day personally appeared **Khang Le** who, being by me duly sworn, deposed and said:

"The following came to hand on **November 5, 2021, 9:00 am**,

CITATION - PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE,

1. On November 8, 2021 at 9:56 am, I mailed by **CERTIFIED MAIL RETURN RECEIPT REQUESTED** a true and correct copy of the above documents to TJX COMPANIES INC (D/B/A MARSHALLS) - TEXAS SECRETARY OF STATE at COMPANY: P O BOX 12079, AUSTIN, TEXAS 78701.
2. The above documents were delivered on November 12, 2021 at 8:21 am.
3. See attached certified mail receipt (form 3800), USPS receipt, print out USPS tracking information, and green card (form 3811).

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

Kle

Khang Le

Certification Number: PSC-0772

Certification Expiration: March 31, 2022

BEFORE ME, a Notary Public, on this day personally appeared **Khang Le**, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON November 17, 2021

[Signature]

Notary Public, State of Texas



7020 2450 0001 3130 9926

U.S. Postal Service™
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☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
 Postage \$0.98
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Sent To
TJX COMPANIES INC (D/B/A MARSHALLS) TEXAS SECRETARY
 Street and Apt. No., or PO Box No.
PO Box 12079
 City, State, ZIP+4®
AUSTIN, TEXAS 78701

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

A. Signature
☒ Agent
☐ Addressee

B. Received by (Printed Name)
☐ Yes
☐ No

D. Is delivery address different from item 1? If YES, enter delivery address below:
 TX CONFIRMED MAIL NOV 12 2021

Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
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☐ Collect on Delivery Restricted Delivery
☐ Mail Restricted Delivery

3. Article Addressed to:
TJX COMPANIES INC (D/B/A MARSHALLS)
TEXAS SECRETARY OF STATE
PO Box 12079
AUSTIN, TEXAS 78701

Article Number (Transfer from service label)
9590 9402 6537 1028 4909 19

7020 2450 0001 3130 9926

PS Form 3811, July 2020 PSN 7530-02-000-9053



WILLOW PLACE
 12955 WILLOW PLACE DR W
 HOUSTON, TX 77070-9998
 (800)275-8777

11/08/2021

09:56 AM

Product	Qty	Unit Price	Price
First-Class Mail®	1		\$0.98
Certified Mail®			\$3.75
Return Receipt			\$3.05
Tracking #:			
70202450000131309926			
al			\$7.78
nd Total:			\$7.78
dit Card Remitted			\$7.78
Card Name: MasterCard			
Account #: XXXXXXXXXXXX1971			
Approval #: 00282E			
Transaction #: 825			
AID: A00000000041010			
AL: MASTERCARD			
PIN: Not Required			

 USPS is experiencing unprecedented volume increases and limited employee availability due to the impacts of COVID-19. We appreciate your patience.

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 1



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Tracking Number: 70202450000131309926

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Your item was delivered at 8:21 am on November 12, 2021 in AUSTIN, TX 78711.



Delivered

November 12, 2021 at 8:21 am
AUSTIN, TX 78711

Get Updates

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Tracking History



Product Information



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Jackie Manriquez on behalf of Bradley Tilton, II
 Bar No. 24035538
 jmanriquez@tiltonlawfirm.com
 Envelope ID: 59284791
 Status as of 11/18/2021 10:47 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Bradley W. Tilton		btilton@tiltonlawfirm.com	11/18/2021 10:43:16 AM	SENT
Jackie Manriquez		jmanriquez@tiltonlawfirm.com	11/18/2021 10:43:16 AM	SENT
Jessica Razo		jrazo@tiltonlawfirm.com	11/18/2021 10:43:16 AM	SENT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this January 10, 2022

Certified Document Number: 99015778 Total Pages: 6

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

Marilyn Burgess - District Clerk Harris County

Envelope No. 59339774

By: Adiliani Solis

Filed: 11/19/2021 1:50 PM

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

Request for Issuance of Service

CASE NUMBER: 2021-28199

CURRENT COURT: 165th Harris County

Name(s) of Documents to be served: PLAINTIFF'S FIRST AMENDED PETITION

FILE DATE: 11/04/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):**Issue Service to:** TJX Companies, Inc. d/b/a Marshalls by serving through the Texas Secretary of State

Address of Service: 770 Cochituate Road, Framingham, MA 01701

City, State & Zip:

Agent (if applicable)

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☐ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
☐ Citation Scire Facias Newspaper _____
☐ Temporary Restraining Order ☐ Precept ☐ Notice
☐ Protective Order
☒ Secretary of State Citation (\$12.00) ☐ Capias (not by E-Issuance) ☐ Attachment (not by E-Issuance)
☐ Certiorari ☐ Highway Commission (\$12.00)
☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
☐ Subpoena
☐ Other (Please Describe) _____

(See additional Forms for Post Judgment Service)

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP (phone) _____
☐ MAIL to attorney at: _____
☐ CONSTABLE
☐ CERTIFIED MAIL by District Clerk
☒ E-Issuance by District Clerk
 (No Service Copy Fees Charged)
Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents. Visit www.hcdistrictclerk.com for more instructions.
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ OTHER, explain _____

Issuance of Service Requested By: Attorney/Party Name: Jessica Razo Bar # or ID 24115722

Mailing Address: 3730 Kirby Dr., Ste. 1020, Houston, Texas 77098

Phone Number: 713-774-8600

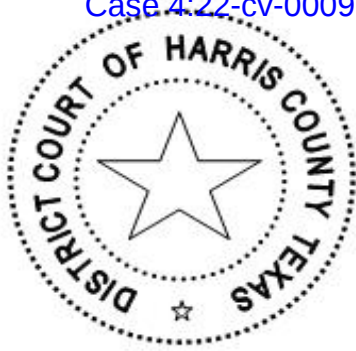
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Jackie Manriquez on behalf of Bradley Tilton, II
Bar No. 24035538
jmanriquez@tiltonlawfirm.com
Envelope ID: 59339774
Status as of 11/19/2021 2:33 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Bradley W. Tilton		btilton@tiltonlawfirm.com	11/19/2021 1:50:52 PM	SENT
Jackie Manriquez		jmanriquez@tiltonlawfirm.com	11/19/2021 1:50:52 PM	SENT
Jessica Razo		jrazo@tiltonlawfirm.com	11/19/2021 1:50:52 PM	SENT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this January 10, 2022

Certified Document Number: 99047129 Total Pages: 2

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HARRIS COUNTY, TEXAS

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CAUSE NO. 202128199

COPY OF PLEADING PROVIDED BY PLT

RECEIPT NO. 907455
TRACKING NO: 73941848 EML

Plaintiff:

OROSCO, BERTHA F

vs.

Defendant:

TJX COMPANIES INC (DBA MARSHALLS)

In The 165th Judicial District
Court of Harris County, Texas

Houston, Texas

CITATION (SECRETARY OF STATE CORPORATE NON-RESIDENT)

THE STATE OF TEXAS

County of Harris

To: TJX COMPANIES INC (D/B/A MARSHALLS) SERVING THROUGH THE TEXAS SECRETARY OF STATE P
O BOX 12079 AUSTIN TX 78701

FORWARD TO:

770 COCHITUATE ROAD , FRAMINGHAM MA 01701

Attached is a copy of PLAINTIFF'S FIRST AMENDED PETITION.

This instrument was filed on November 4, 2021 in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 30 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

TO OFFICER SERVING:

This citation was issued on November 22, 2021, under my hand and seal of said court.

Issued at the request of:Razo, Jessica
3730 Kirby Dr., STE. 1020
Houston, TX 77098
713-774-8600
Bar Number 24115722*Marilyn Burgess*Marilyn Burgess, District Clerk
Harris County, Texas
201 Caroline, Houston Texas 77002
(PO Box 4651, Houston, Texas 77210)

Generated By: ADILIANI SOLIS

Tracking Number: 73941848 EML

CAUSE NUMBER: 202128199

PLAINTIFF: OROSCO, BERTHA F

vs.

DEFENDANT: TJX COMPANIES INC (DBA MARSHALLS)

In the 165th

Judicial District Court of

Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock ____M. on the _____ day of _____, 20____. Executed at
Address) _____ in
_____ County at o'clock ____M. on the _____ day of _____, 20____, by
Summoning the _____ Delivering to
_____ in person a corporation By leaving in the principal office during
office hours _____ of the said _____ a true copy of this
notice, together with accompanying copy of _____ To certify which I
affix my hand officially this _____ day of _____, 20____.

Fees \$ _____

Affiant

By _____ Deputy

On this day, _____, known to me to be the person whose signature
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this _____ day of _____, 20____

Notary Public

**AFFIDAVIT
ATTACHED**

CAUSE NO. 2021-28199

BERTHA F. OROSCO

Plaintiff,

VS.

TJX COMPANIES, INC (D/B/A MARSHALLS)

Defendant.

§
§
§
§
§
§
§

IN THE COURT OF

HARRIS COUNTY, TEXAS

JUDICIAL DISTRICT COURT 165TH

AFFIDAVIT OF SERVICE - CERTIFIED MAIL

On this day personally appeared **Khang Le** who, being by me duly sworn, deposed and said:

"The following came to hand on **November 22, 2021, 11:00 am**,

CITATION - PLAINTIFF'S FIRST AMENDED PETITION,

1. On November 23, 2021 at 9:24 am, I mailed by **CERTIFIED MAIL RETURN RECEIPT REQUESTED** a true and correct copy of the above documents to TJX COMPANIES, INC (D/B/A MARSHALLS) - TEXAS SECRETARY OF STATE at COMPANY: P O BOX 12079, AUSTIN, TEXAS 78701.
2. The above documents were delivered on November 30, 2021 at 6:28 am.
3. See attached certified mail receipt (form 3800), USPS receipt, print out USPS tracking information, and green card (form 3811).

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

Kle

Khang Le

Certification Number: PSC-0772

Certification Expiration: March 31, 2022

BEFORE ME, a Notary Public, on this day personally appeared **Khang Le**, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON

December 13, 2021



[Signature]
Notary Public, State of Texas

7020 2450 0001 3130 9964

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 \$3.05
 Extra Services & Fees (check box, add fees if appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
 Postage \$0.98
 Total Postage and Fees \$4.78

 Sent To
TJX COMPANIES INC (D/B/A MARSHALLS) TEXAS SECRETARY OF
 Street and Apt. No., or PO Box No.
PO Box 12079
 City, State, ZIP+4®
AUSTIN, TEXAS 78701
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

 A. Signature ☒ Agent
☐ Addressee
 B. Received by (Printed Name) C. Date of Delivery

 D. Is delivery address different from item 1?
 if YES, enter delivery address below:

Controller Mail
NOV 30 2021

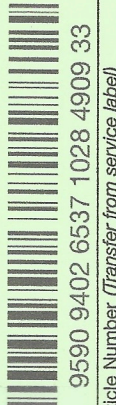
 3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

 ■ Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TJX COMPANIES, INC (D/B/A MARSHALLS)
TEXAS SECRETARY OF STATE
PO Box 12079
AUSTIN, TEXAS 78741


2. Article Number (Transfer from service label)

 9590 9402 6537 1028 4909 33
 7020 2450 0001 3130 9964

PS Form 3811, July 2020 PSN 7530-02-000-9053


 WILLOW PLACE
 12955 WILLOW PLACE DR W
 HOUSTON, TX 77070-9998
 (800)275-8777

11/23/2021

09:24 AM

Product	Qty	Unit Price	Price
First-Class Mail®	1		\$0.98
Letter			
Austin, TX 78711			
Weight: 0 lb 2.70 oz			
Estimated Delivery Date			
Mon 11/29/2021			
Certified Mail®			\$3
Tracking #:			
70202450000131309964			
Return Receipt			\$3
Tracking #:			
9590 9402 6537 1028 4909 33			
Total			\$7.78

 Card Total: \$7.78
 Credit Card Remitted \$7.78

 Card Name: MasterCard
 Account #: XXXXXXXXXXXX1971
 Approval #: 09379E
 Transaction #: 033
 AID: A00000000041010 Chip
 AL: MASTERCARD
 PIN: Not Required

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(https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intr

Tracking Number: 70202450000131309964

Remove X

Your item has been delivered and is available at a PO Box at 6:28 am on November 30, 2021 in AUSTIN, TX 78711.

Delivered, PO Box

November 30, 2021 at 6:28 am
AUSTIN, TX 78711

Get Updates ▾

Text & Email Updates	▾
Tracking History	▾
Product Information	▾

See Less ^

Certified Document Number: 99412262 - Page 5 of 6

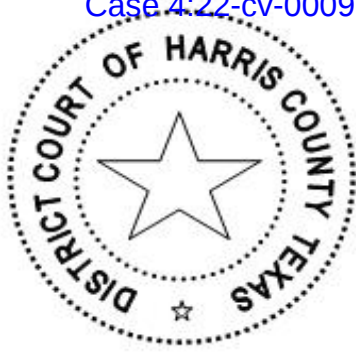
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Jackie Manriquez on behalf of Bradley Tilton, II
 Bar No. 24035538
 jmanriquez@tiltonlawfirm.com
 Envelope ID: 59990841
 Status as of 12/14/2021 11:08 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Bradley W. Tilton		btilton@tiltonlawfirm.com	12/14/2021 9:00:01 AM	SENT
Jackie Manriquez		jmanriquez@tiltonlawfirm.com	12/14/2021 9:00:01 AM	SENT
Jessica Razo		jrazo@tiltonlawfirm.com	12/14/2021 9:00:01 AM	SENT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this January 10, 2022

Certified Document Number: 99412262 Total Pages: 6

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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CAUSE NO. 2021-28199

BERTHA F. OROSCO	§	IN THE DISTRICT COURT OF
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
THE TJX COMPANIES, INC. D/B/A	§	
MARSHALLS	§	165 TH JUDICIAL DISTRICT

**ORIGINAL ANSWER OF DEFENDANT MARMAXX OPERATING CORP.,
INCORRECTLY NAMED AS THE TJX COMPANIES, INC.**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant, MARMAXX OPERATING CORP., (“MARMAXX”) Incorrectly Named as The TJX Companies, Inc. d/b/a Marshalls in the above-entitled and numbered cause, files this Original Answer to Plaintiff’s First Amended Petition and all subsequent supplemental and/or amended petitions, and would respectfully show unto the Court and Jury as follows:

**I.
GENERAL DENIAL**

1.1 Defendant MARMAXX asserts a general denial as is authorized by Rule 92 of the Texas Rules of Civil Procedure, and Defendant respectfully requests that Plaintiff be required to prove the charges and allegations against Defendant as is required by the Constitution and laws of the State of Texas.

1.2 Defendant further reserves the right to amend this answer at a future date in accordance with the Texas Rules of Civil Procedure.

**II.
AFFIRMATIVE DEFENSES**

By way of further defense, if such be necessary, Defendant asserts the following:

2.1 Defendant invokes the comparative and proportionate responsibility provisions of

the Texas Civil Practice & Remedies Code, § 33.001, *et. seq.*

2.2 Defendant would show that, at the time and on the occasion in question, Plaintiff and/or others beyond this Defendant's control failed to use that degree of care and caution that would have been used by a person with ordinary prudence under the same or similar circumstances, and that such failure was alternatively a proximate cause or a producing cause or the sole proximate or the sole producing cause of the incident in question and any alleged injuries and damages stemming therefrom.

2.3 Defendant would show, in the unlikely event that any liability be found on the part of Defendant, such liability should be reduced by the percentage of the causation found to have resulted from the acts or omissions of any persons or third parties over whom Defendant has no control and for whom Defendant is not responsible, including, but not limited to, Plaintiff.

2.4 Defendant would show that Plaintiff's alleged injuries and damages were the result, in whole or in part, of a new and independent cause and/or intervening and superseding cause, which was not reasonably foreseeable by Defendant.

2.5 Plaintiff's recovery of medical expenses, if any, is limited and subject to the restrictions set forth by Section 41.0105 of the Texas Civil Practice and Remedies Code.

2.6 Plaintiff is not entitled to a recovery of damages for any medical condition and/or injury that resulted from a pre-existing and/or subsequent condition, or any other condition not proximately caused by the occurrence in question.

2.7 Plaintiff also is not entitled to a recovery of damages, if any, that she failed to mitigate.

2.8 Defendant would respectfully pray for all available credits and/or offsets as provided by the Texas Civil Practice and Remedies Code and under Texas law, including a

reduction for amounts received from collateral sources or for any settlement Plaintiff may have entered with any other party.

2.9 Defendant would show that, pursuant to Section 18.091 of the Texas Civil Practice and Remedies Code, to the extent Plaintiff is seeking recovery for loss of earnings, lost wages, loss of earning capacity, and/or loss of contributions of a pecuniary value, Plaintiff must present evidence of the alleged loss in the form of a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law.

2.10 Defendant invokes all rights and limitations found in Chapter 41 of the Texas Civil Practice and Remedies Code, including the limitations on damage awards.

2.11 In the unlikely event that an adverse judgment would be rendered against it, Defendant would respectfully pray for all available credits and/or offsets as provided by the Texas Civil Practice and Remedies Code and under Texas law, including a reduction for amounts received from collateral sources or for any settlement Plaintiff may have entered with any other party.

III. **JURY DEMAND**

3.1 Defendant respectfully demands a jury for the trial of this matter, and hereby tenders the jury fee.

IV. **DIRECTED COMMUNICATION**

4.1 Forward all communications regarding this matter to Marshall G. Rosenberg at mrosenberg@hartlinebarger.com; Jane Haas at jhaas@hartlinebarger.com; Ilene Maley at imaley@hartlinebarger.com; and Catrina Edling at cedling@hartlinebarger.com. Failure to include all requested individuals referenced above in all communications, notices, and filings, shall

be deemed inadequate service.

WHEREFORE, PREMISES CONSIDERED, Defendant MARMAXX OPERATING CORP. prays that Plaintiff take nothing by reason of this suit, that Defendant be discharged, and that it go hence with its costs, and for all such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

HARTLINE BARGER LLP

/s/ Jane Haas

Marshall G. Rosenberg
State Bar No. 12771450
mrosenberg@hartlinebarger.com
Jane Haas
State Bar No. 24032655
jhaas@hartlinebarger.com
1980 Post Oak Blvd., Suite 1800
Houston, Texas 77056
Telephone: 713-759-1990
Facsimile: 713-652-2419
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon the parties listed below by the method(s) indicated on January 3, 2022

Jessica Razo
Tilton & Tilton LLP
3730 Kirby Dr., Suite 1020
Houston, Texas 77098
Via Email: JRazo@tiltonlawfirm.com

/s/ Jane Haas

Jane Haas

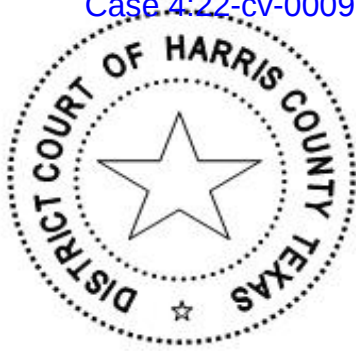
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Catrina Edling on behalf of Jane Haas
Bar No. 24032655
CEdling@hartlinebarger.com
Envelope ID: 60454667
Status as of 1/4/2022 8:13 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Bradley W. Tilton		btilton@tiltonlawfirm.com	1/3/2022 8:57:27 PM	SENT
Jackie Manriquez		jmanriquez@tiltonlawfirm.com	1/3/2022 8:57:27 PM	SENT
Jessica Razo		jrazo@tiltonlawfirm.com	1/3/2022 8:57:27 PM	SENT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this January 10, 2022

Certified Document Number: 99669175 Total Pages: 5

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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